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Attnorneys for Plaintiff  
Nutrishare, Inc.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

Nutrishare, Inc., a California corporation,

Case No. 2:08-CV-01252-WBS-EBF

Plaintiff.

## PROOF OF SERVICE

1

BioRx, LLC, an Ohio Limited Liability Company.

Defendant.

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Downey Brand LLP, 555 Capitol Mall, Tenth Floor, Sacramento, California, 95814-4686. On June 25, 2008, I served the within document(s):

**SUMMONS AND COMPLAINT**

**ORDER SETTING STATUS (PRETRIAL SCHEDULING)  
CONFERENCE; ORDER RE CONSENT OR REQUEST FOR  
REASSIGNMENT; REPORT ON THE FILING OR DETERMINATION  
OF AN ACTION REGARDING PATENT OR TRADEMARK**

**NOTICE OF MOTION AND MOTION FOR PRELIMINARY  
INJUNCTION**

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF  
MOTION FOR PRELIMINARY INJUNCTION**

**DECLARATION OF RODNEY OKAMOTO IN SUPPORT OF MOTION  
FOR PRELIMINARY INJUNCTION**

**DECLARATION OF MICHAEL J. THOMAS IN SUPPORT OF MOTION  
FOR PRELIMINARY INJUNCTION**

**DECLARATION OF ANITA WALLIN IN SUPPORT OF MOTION FOR  
PRELIMINARY INJUNCTION**

1                   **DECLARATION OF REID A. NISHIKAWA IN SUPPORT OF MOTION**  
 2                   **FOR PRELIMINARY INJUNCTION**

3                   **[PROPOSED] ORDER GRANTING MOTION FOR PRELIMINARY**  
 4                   **INJUNCTION**

5                      **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax  
 6                   number(s) set forth below on this date before 5:00 p.m.

7                      **BY HAND:** by personally delivering the document(s) listed above to the person(s)  
 8                   at the address(es) set forth below.

9                      **BY MAIL:** by placing the document(s) listed above in a sealed envelope with  
 10                   postage thereon fully prepaid, in the United States mail at Sacramento, California  
 11                   addressed as set forth below.

12                      **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an  
 13                   overnight delivery service company for delivery to the addressee(s) on the next  
 14                   business day.

15                      **BY PERSONAL DELIVERY:** by causing personal delivery by \_\_\_\_\_ of  
 16                   the document(s) listed above to the person(s) at the address(es) set forth below.

17                   **COURTESY COPY**

18                   *Attorney for BioRx, LLC*

19                   Patricia B. Hogan  
 20                   Keating Muething & Klekamp PLL  
 21                   One East Fourth Street, Ste. 1400  
 22                   Cincinnati, OH 45202  
 23                   Telephone: (513) 579-6400  
 24                   Facsimile: (513) 579-6457

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 26                   for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same  
 27                   day with postage thereon fully prepaid in the ordinary course of business. I am aware that on  
 28                   motion of the party served, service is presumed invalid if postal cancellation date or postage  
 meter date is more than one day after date of deposit for mailing in affidavit.

29                   I declare under penalty of perjury under the laws of the State of California that the above  
 30                   is true and correct.

31                   Executed on June 25, 2008, at Sacramento, California.

32                   

33                   Patricia L. Pineda

From: Origin ID: BLUA (916)444-1000

Patricia Pineda

Downey Brand LLP

555 Capitol Mall, 10th Floor

Sacramento, CA 95814



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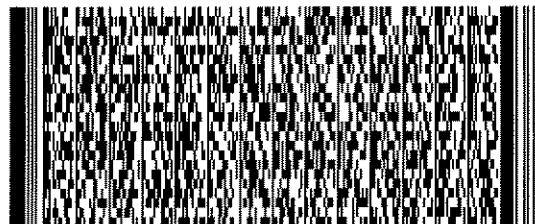
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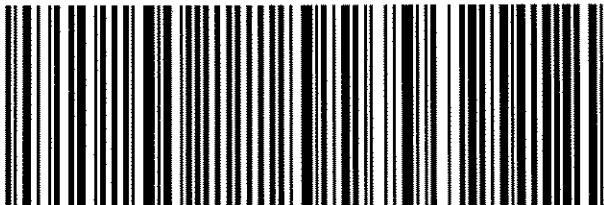
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